

U.S. Patent Application Serial No. 10/802,027
Reply to OA dated November 12, 2008

REMARKS

Claims 1, 8 and 10 are amended in order to more particularly point out, and distinctly claim the subject matter which the Applicants regard as their invention. The Applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated November 12, 2008.

In the Office Action, Claims 1-9 and 12 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Reconsideration and removal of this rejection are respectfully requested.

Claims 1-9 and 12 are rejected because of terminology added to Claims 1 and 8 to define the shape of the filter element of the invention is deemed to be new matter. Reconsideration and removal of this rejection are respectfully requested.

Claims 1 and 8 are amended to define the shape of the filter in a different manner. Language for defining the shape of the filter element is taken from the Examiners comments on page 3, line 8 of the Office Action and it is believed that the language should be acceptable to the Examiner.

In view of the amendments to Claims 1 and 8, removal of the rejections is respectfully requested.

In the Office Action, Claims 1- 6 and 8 are rejected under 35 U.S.C. § 102(b) as being

U.S. Patent Application Serial No. 10/802,027
Reply to OA dated November 12, 2008

anticipated by Stutzman (U.S. Patent No. 5,271,850). Reconsideration and removal of this rejection are respectfully requested.

It is asserted in the Office Action that Stutzman discloses the claimed invention because a portion of the flow may flow radially inwards through a very small portion of the filter element near the horizontal screen (26). The Office Action states:

“These claims do not require the entirety of the flow in an / particular flow pattern or specify the direction of flow of flow portion as it enters the filter element at said inner peripheral surface.”

It is respectfully submitted that in the filter of Stutzman, no flow falls upon and enters the filter element at the inner curved surface. In the filter of Stutzman, the surface that would correspond to the claimed “inner curved surface” is completely covered with the impermeable inner core. At column 5, lines 23-27 it is recited “The impermeable inner core and the surrounding tightly wound tissue of the cartridge ensure that liquid within the cartridge will flow mainly axially between, rather than radially through, its adjacent fibrous layers”. As shown in FIG. 3 of Stutzman, by arrows indicating the flow of liquid, flow is into the ends of the filter element, with no flow indicated falling upon and entering the filter element at the inner curved surface, as presently claimed.

In order to better distinguish over Stutzman, Claims 1 and 8 have been amended to define that substantially all the fluid flows to fall upon and enter the filter element at the inner curved

U.S. Patent Application Serial No. 10/802,027
Reply to OA dated November 12, 2008

surface. In view of the amendments to Claims 1 and 8, and the above remarks, removal of this rejection is respectfully requested.

In the Office Action, Claim 10 is rejected under 35 U.S.C. § 102(b) as being anticipated by Campo (U.S. Patent No. 3,675,776). Reconsideration and removal of this rejection are respectfully requested.

It is asserted in the Office Action that since the two concentric elements of Campo are of dissimilar materials, they are necessarily and inherently of different pore or mesh sizes. However, Campo does not teach or suggest having specific mesh sizes relative to a "target size" of a target foreign matter. That is, a target trapping element having a mesh size slightly smaller than the target size, and a fall-off preventing element having a mesh size slightly larger than the target size.

Claim 10 is amended to add the "target size" to the claim.

In view of the amendment to Claim 10, and the above remarks, removal of this rejection is respectfully requested.

In the Office Action, Claims 7, 9 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stutzman in view of Budzich (U.S. Patent No. 4,687,571). Reconsideration and removal of this rejection are respectfully requested.

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Campo in view of Kuh et al. (U.S. Patent No. 4,681,677). Reconsideration and removal of this rejection are

RECEIVED
CENTRAL FAX CENTER

FEB 04 2009

U.S. Patent Application Serial No. 10/802,027
Reply to OA dated November 12, 2008

respectfully requested.

Claims 7, 9, 11 and 12 depend from Claims 1, 8 and 10, which are discussed above.

In view of such dependence and the above remarks, removal of the rejections is respectfully requested.

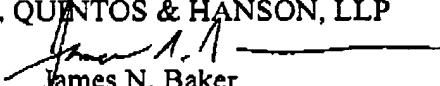
In view of the aforementioned amendments and accompanying remarks, Claims 1-12, as amended, are believed to be patentable and in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP


James N. Baker
Agent for Applicant
Reg. No. 40,899

JNB/ak

Atty. Docket No. 040122
Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930



23850

PATENT & TRADEMARK OFFICE